

जिस्टड नं० पी०/एस०एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 24 अगस्त, 1983/2 भाद्रपद, 1905

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 23rd August, 1983

No. 1-46/83-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Legislators (Modifications of Allowances and other Amenities) Bill, 1983 (Bill No. 20 of 1983) having

been introduced on the 23rd August, 1983 in the Himachal Pradesh Vidhan Sabha. is hereby published in the Gazette.

V. VERMA.
Secretary.

Bill No. 20 of 1983.

THE HIMACHAL PRADESH LEGISLATORS (MODIFICATIONS OF ALLOWANCES AND OTHER AMENITIES) BILL, 1983

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to amend the laws relating to the grant of allowances and other amenities to the Ministers, Speaker, Deputy Speaker, Deputy Ministers and Members of the State Legislature.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislators (Modifications of Allowances and other Amenities) Act, 1983.

Short title and commencement.

(2) It shall come into force with effect from the 1st day of September, 1983.

2. In the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971,—

Amendment of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.

(a) for the existing section 5-A, the following new section 5-A, alongwith its heading, shall be substituted, namely:—

“5-A. Free transit by railway or by air.—Each Minister during the term of his office shall be provided with coupon books which shall entitle him and his spouse or any other person accompanying to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board); provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres:

Provided that the Minister and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled:

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first class fares for such journey :

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971, or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, or under section 6-A of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 shall be taken into account.”;

4 of 1971

8 of 1971

5 of 1971

(b) for the existing words, figure and sign “In case a Minister does not avail himself of the facility of motor car advance as provided in section 7, he may be paid” occurring in section 7-A, the words “There may be paid to a Minister” shall be substituted; and

(c) for the words and sign “three hundred rupees.” occurring at the end of the first proviso to sub-section (1) of section 8, the words and sign “four hundred rupees.” shall be substituted and after the first proviso so amended, the following new second proviso shall be inserted, namely:—

“Provided further that a Minister may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be a Minister.”

Amendment
of the
Himachal
Pradesh
Legislative
Assembly
Speaker's
and Deputy
Speaker's
Salaries
Act, 1971.

3. In the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971,—

4 of 1971

(a) for the existing words, figure and sign “In case the Speaker or the Deputy Speaker does not avail himself of the facility of motor car advance as provided in section 7, he may be paid” occurring in section 7-A, the words “There may be paid to the Speaker or the Deputy Speaker” shall be substituted;

(b) for the words and sign “three hundred rupees.” occurring at the end of the first proviso to sub-section (1) of section 8, the words and sign “four hundred rupees.” shall be substituted and after the first proviso so amended, the following new second proviso shall be inserted, namely:—

“Provided further that the Speaker or the Deputy Speaker, as the case may be, may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be the Speaker or the Deputy Speaker, as the case may be.”; and

(c) for the existing section 10-A, the following new section 10-A, along-with its heading, shall be substituted, namely:—

“10-A. *Free transit by railway or by air.*—The Speaker and the Deputy Speaker during the term of their office shall each be provided with coupon books which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board); provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres:

Provided that the Speaker or the Deputy Speaker, as the case may be, and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled:

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first class fares for such journey:

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by availing of the facility for free transit by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971, or under sub-section (1) of section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, or under section 6-A of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971 shall be taken into account."

4. In the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971,—

(a) for the existing section 6-A, the following new section 6-A, alongwith its heading, shall be substituted, namely:—

"6-A. Free transit by railway or by air.—Each Deputy Minister during the term of his office shall be provided with coupon books which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board); provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres:

Provided that the Deputy Minister and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled:

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey and if he is accompanied by his spouse or any other person to look after and assist him, he shall be paid an amount equivalent to two first class fares for such journey:

Provided further that the aggregate amount payable either against the coupons or journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Amendment of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971.

3 of 1971

8 of 1971

5 of 1971

5 of 1971

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971, or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971, or under section 6 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, shall be taken into account.”;

3 of 1971

4 of 1971

8 of 1971

(b) for the existing words, figure and sign “In case a Deputy Minister does not avail himself of the facility of motor car advance as provided in section 8, he may be paid” occurring in section 8-A, the words “There may be paid to a Deputy Minister” shall be substituted; and

(c) for the words and sign “three hundred rupees.” occurring at the end of the first proviso to sub-section (1) of section 9, the words and sign “four hundred rupees:” shall be substituted and after the first proviso so amended, the following new second proviso shall be inserted, namely:—

“Provided further that a Deputy Minister may continue to avail himself of the facility of telephone provided to him for a period not exceeding 15 days from the date of his ceasing to be a Deputy Minister.”

Amendment
of the
Himachal
Pradesh
Legislative
Assembly
(Allowances
and Pension
of Members)
Act, 1971.

5. In the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971,—

8 of 1971

(a) for the word “forty-five” occurring in clause (ii) of sub-section (1) of section 4, the words “fifty-one” shall be substituted;

(b) for the existing word “three” occurring in section 4-B, the word “five” shall be substituted;

(c) for the existing words, letter, figure and signs “In case a member does not avail himself of the facility of motor car advance as provided in section 4-C, he may be paid” occurring in section 4-D, the words “There may be paid to a member” shall be substituted;

(d) in sub-section (2) of section 5—

(i) for the word “three” occurring in the first proviso, the word “four” shall be substituted; and

(ii) for the words “one hundred” occurring in the second proviso, the words “one hundred and fifty” shall be substituted; and

(e) for the existing section 6, the following new section-6, along with its heading, shall be substituted, namely:—

“6. *Free transit by railway or by air or by State Transport Undertaking.*—(1) Every member shall be provided with,—

(a) coupon books which shall entitle him and his spouse or any other person accompanying him to look after and assist him to travel by first class at any time by any railway in India as per current coaching tariff issued by the Government of India, Ministry of Railways (Railway Board); provided the aggregate distance so travelled in any financial year does not exceed twenty thousand kilometres:

Provided that the member and his spouse or any other person accompanying him to look after and assist him may travel by air conditioned railway coach against the coupons to which he is so entitled:

Provided further that if the journey is performed by him by air, he shall be paid an amount equivalent to one first class fare for such journey :

Provided further that he shall not be entitled to perform more than two return journeys by air in any financial year:

Provided further that the aggregate amount payable either against the coupons of journey performed by air in a financial year does not exceed the amount payable for twenty thousand kilometres by first class railway ticket.

Explanation.—For determining the aggregate distance under this section, the distance travelled in any financial year by railway or air under section 5-A of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971, or under section 10-A of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971, or under section 6-A of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971, shall be taken into account; and

- (b) two free non-transferable passes which shall entitle him and his wife or any other person accompanying him to look after and assist him to travel at any time without payment of fare and passenger tax thereon by any public service vehicle of the Himachal Road Transport Corporation.
- (2) The coupon books and the free passes issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term these shall be surrendered by him to the Secretary of the Himachal Pradesh Legislative Assembly.
- (3) Nothing in this section shall be construed as disentitling a member to any travelling allowance to which he is otherwise entitled under the provisions of this Act or rules made thereunder.”; and
- (f) for the sign“.” occurring at the end of section 6-C, the sign“:” shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that a person who is not entitled to pension under this section either by virtue of the provisions contained in sub-section 3 of section 6-B or because he has served for a period less than five years, shall be entitled to the aforesaid medical facilities.”

STATEMENT OF OBJECTS AND REASONS

Keeping in view the rise in the cost of living and the duties which the public functionaries such as Ministers/Speaker/Deputy Speaker/Deputy Ministers and a Member of Legislative Assembly have to perform, it has been decided to increase the allowances and other amenities admissible to them with effect from 1st September, 1983, so that they may be able to discharge more conveniently the duties of their respective offices.

This Bill seeks to achieve the aforesaid objective.

SHIMLA :
The 23rd August, 1983.

VIRBHADRA SINGH,
Chief Minister.

FINANCIAL MEMORANDUM

Clauses 2, 3, 4 and 5 of the Bill provide for the increase of the allowances payable to the public functionaries such as Ministers/Speaker/Deputy Speaker/Deputy Ministers and Members of Legislative Assembly. The expenditure involved for implementation of the proposed provisions has been tentatively worked out. The provisions contained in the Bill when enacted will involve the approximate expenditure out of the State exchequer to the tune of Rs. 11,06,000/- (including a sum of rupees 8,00,000/- on account of house Building and motor car advances, which are recoverable) the whole of which shall be recurring expenditure per annum. There shall be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[GAD File No. GAD (PA)-4(D)-75/83]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislators (Modifications of Allowances and other Amenities) Bill, 1983, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.